

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42487 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- BHEJA District- Madhubani

1. LAXMI SADAI Son of Late Firangi Sadai Resident of Village - Khor Madanpur Tole Naulakha Musahari, P.S.- Bheja, District - Madhubani.
2. Upendra Mahto Son of Late Raghu Mahto Resident of Village - Khor Madanpur tole Naulakha Musahari, P.S.- Bheja, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioners and the State .

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

At the outset, counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 namely, Upendra Mahto as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 2 namely, Upendra Mahto is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in



Bheja P.S. Case No. 27 of 2021 registered for the offence under Sections-272, 273, 34 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that 6 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The petitioner No. 1 has been falsely implicated in the present case. It is alleged that four litres wine is recovered from house of petitioner No. 2 whereas 2 litres wine is recovered from joint house of petitioner No. 1. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner No. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand)



with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Bheja P.S. Case No. 27 of 2021 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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